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10-16-03

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

1. THE CITY OF TULSA
2. THE TULSA METROPOLITAN
UTILITY AUTHORITY

Plaintiffs,

v.

1. TYSON FOODS, INC.,
2. COBB-VANTRESS, INC.,
3. PETERSON FARMS, INC.,
4. SIMMONS FOODS, INC.,
5. CARGILL, INC.,
6. GEORGE'S, INC.,
7. CITY OF DECATUR, ARKANSAS,

Defendants.

OCT 20 2003

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Case No. 01 CV 0900EA(C)

AGREED ORDER AMENDING THE SETTLEMENT AGREEMENT

On July 16, 2003, this Court entered an order approving the parties' Settlement Agreement. Pursuant to the terms of the Settlement Agreement, both parties submitted nominees for the position of Special Master. Defendants nominated Sheri Herron, and Plaintiffs nominated John Everett and Derek Smithee. After extensive discussions with the parties and after interviewing the nominees, the Court entered an order on October 6, 2003 appointing John Everett as Special Master.

During the process leading to the appointment of John Everett, the parties agreed to the modification of certain terms of the Settlement Agreement. The parties have agreed that Sheri Herron will serve as Executive Director of the non-profit entity and that the role of the non-profit entity should be expanded to allow her to consult with and assist the Special Master to the extent he may deem appropriate. The parties have

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further agreed on certain protocols for communicating with the Special Master, the Executive Director and the PI Team as set forth below.

In accordance with these agreements, which the Court finds to be reasonable and appropriate, and pursuant to its continuing jurisdiction of this matter, THE COURT HEREBY ORDERS AS FOLLOWS:

1. The last sentence of Paragraph 1 of Section I of the Settlement Agreement shall be amended to read as follows: "It is the purpose of this entity to further the implementation of BMPs on any property the entity determines will likely contribute in a substantial manner to the protection of water bodies in the Watershed from excess nutrient loading, and, if requested, to consult with the Special Master in the performance of his duties as he may deem necessary and appropriate."
2. The following additional language shall be added at the end of subparagraph (e) in Paragraph 4 of Section I of the Settlement Agreement: The Executive Director shall further, if requested and without additional compensation, consult with the Special Master in the recruiting and training of the WMT, the preparation and modification of Nutrient Management Plans, providing advice and counsel in connection with the development of a meaningful, joint PI for the watershed, and furnishing such other and further assistance as they may agree upon."
3. The parties shall be permitted to separately and independently, as well as jointly, communicate and/or meet with one or more of the Special Master, the Executive Director of the non-profit entity, and any members of the PI Team to discuss any matters pertaining to their work or the terms of the Settlement,

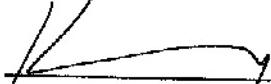
provided, however, the Special Master, Executive Director and PI Team members shall in no way compromise their independent judgment and professional expertise as a result of such communications or meetings.

IT IS SO ORDERED THIS 17th day of October, 2003.

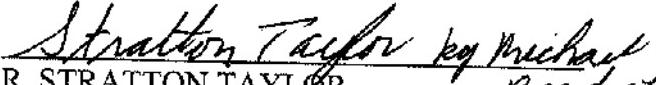
Claire V. Eagan
CLAIRe V. EAGAN
UNITED STATES DISTRICT JUDGE

APPROVED:

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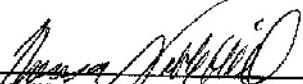
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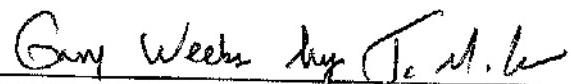
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